



Staykov v. Bulgaria

Application No. 49438/99

Country: Bulgaria

Region: Europe

Year: 2006

Court: The European Court of Human Rights

Health Topics: Chronic and noncommunicable diseases, Health care and health services, Infectious diseases, Medicines, Prisons

Human Rights: Freedom from torture and cruel, inhuman or degrading treatment, Right to due process/fair trial, Right to health, Right to liberty and security of person

Facts

The applicant was arrested. He was charged with murder of an 81 year old. He was detained. All his applications for release were denied before and after his conviction. He stated that the case against him was weak, there was no risk of flight and his health was deteriorating. He was finally released on bail. He stated that he was detained with eight other detainees in a cell measuring five to three meters. He further stated he was not allowed to take walks, food was of bad quality and the ventilation was poor.

In the prison, he stated that warm water was available only once a week and the inmates had to relieve themselves in a bucket. He alleged that the prison conditions along with lengthy criminal investigations had a negative impact on his health.

Decision and Reasoning

The Court held that there had been a violation of the applicant's rights under Article 3 of the Convention (prohibiting torture, and inhuman or degrading treatment or punishment). The report of the Committee for Prevention of Torture (CPT) corroborates the applicant's description of the detention facility. The Court further noted that when the applicant suffered from Tuberculosis, which was endemic to the Bulgarian prison system, the CPT stated that the preventive efforts were inadequate. The Court further held that there had been a violation of Article 5(Â§ 4) (fair review of pre-trial detention). The Court held that the domestic courts did not review the applicant's detention to the extent required as per decided case laws.

Decision Excerpts

â€œThe applicant's description of these conditions largely coincides with the CPT's findings. While the conditions in the Varna Regional Investigation Service's detention facility were evidently better than those in other such facilities examined in previous cases against Bulgaria (see *Kehayov v. Bulgaria*, no. 41035/98, 18 January 2005; and *I.I. v. Bulgaria*, cited above), inasmuch as the cells there had en suite toilets and some influx of natural light, they still appear problematic in that no possibilities for out-of-cell activities were present. This has already been criticised by the Court in the cases cited above. Moreover, it appears that the applicant's cell there was overcrowded (see paragraphs 36-38 above). As regards the Varna Prison, it seems that there the applicant was allowed to take a daily forty-minute walk. Nevertheless, he still had to spend most of his time in the cell, whose material conditions and level of occupancy, as described by him and not contested by the Government, appear very unsatisfactory (see paragraphs 39 and 40 above).â€• (Para 80)

â€œThe combination of these factors, seen against the background of the inordinate length of the applicant's deprivation of liberty, leads the Court to conclude that the conditions of his detention and their detrimental effect on his health amounted to inhuman and degrading treatment.â€• (Para 82)